UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,910	09/21/2000	Anna Maria Zara	10002185-1	7529

7590   03/31/2005

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Intellectual Property Administration
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EXAMINER
BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
		09/666,910	ZARA ET AL.
Office Action Summary		Examiner	Art Unit
		Igor Borissov	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 January 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Upon reconsideration, the finality of the last Office Action of 10/28/2004 has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mangipudi et al. (US 6,728,748) in view of Masters (US 6,374,300).

Mangipudi et al. (Mangipudi) teaches a method and system for categorization of traffic to permit flexible design and implementation of multiple Class of Service levels, comprising:

Claims 1, 9 and 14. Processing by a server incoming transaction requests (C. 8, L. 3-5); using a rules based engine to classify/categorized said transaction requests to determine a type of a transaction (C. 4, L. 49; C. 4, L. 66 – C. 5, L. 4); and providing differentiated services to said categorized requests to guarantee that more resources are available to this class/category of transaction, and giving priority over other categories of transactions (C. 6, L. 9-13). Furthermore, Mangipudi indicates that, during said processing of incoming transaction requests, cookie could be used for categorizing said requests (C. 17, L. 49).

However, Mangipudi does not explicitly disclose the cookie insertion (tagging) algorithm.

Masters teaches a method and system for storing load balancing information with an HTTP cookie, comprising: receiving a request for a resource; generating an HTTP response by providing access to the requested resource; inserting a copy of cookie information in the cookie, and sending the HTTP response with the copy of the information in the cookie to the sender of the HTTP request, so that a subsequent HTTP request to access the resource will include another Cookie with information indicating that the resource is accessible at the destination (C. 2, L. 32-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mangipudi to include, while processing the incoming HTTP request, inserting specific information (tag) in the cookie and sending the HTTP response with said information in the cookie to the sender of the HTTP request, so that a subsequent HTTP request to access the resource will include another Cookie with said specific information, as disclosed in Masters, because it would advantageously allow to identify and prioritize revenue generating transactions over no-revenue generating transactions, as specifically stated in Mangipudi (C. 10, L. 24-25).

Claim 2. See reasoning applied to Claim 1.

Claims 3 and 11. Masters teaches examining an HTTP request to determine if a Cookie is included with the HTTP request (C. 2, L. 27-29).

Claims 4, 12 and 17. Mangipudi teaches using a rules based engine to classify/categorized said transaction requests to determine a type of a transaction (C. 4, L. 49; C. 4, L. 66 – C. 5, L. 4).

Claims 5 and 13. Masters teaches inserting specific information (tag) in the cookie (C. 2, L. 35-36).

Claims 6 and 10. Masters teaches examining (parsing) an HTTP request to determine if a Cookie is included with the HTTP request (C. 2, L. 27-29).

Claims 7, 8 and 16-15. See reasoning applied to Claims 1 and 14.

Claim 19. Mangipudi teaches using a rules based engine to classify/categorized said transaction requests to determine a type of a transaction (C. 4, L. 49; C. 4, L. 66 – C. 5, L. 4), and providing differentiated services to said categorized requests to guarantee that more resources are available to this class/category of transaction, and giving priority over other categories of transactions (C. 6, L. 9-13).

Claim 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mangipudi in view of Masters and further in view of Mathews (US 5,956,752).

Claim 18. Mangipudi in view of Masters teach all the limitations of Claim 18, expect explicitly teaching that said application system is configured with a cache for holding frequently accessed information.

Mathews teaches a method and system for accessing a cache, disclosing that "*a cache is a very fast local storage memory that is used by a processor that typically resides between the processor and main system memory. The cache decreases the latency to the slower main system memory by holding copies of code and data that are frequently requested from the main system memory by the processor. A cache may reside within the processor itself, outside the processor, or both inside and outside the processor*" (C. 1, L. 12-19).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mangipudi and Masters to include that said system is configured with a cache for holding frequently accessed information, as disclosed in Mathews, because it would advantageously allow to decrease processing time of said transaction requests.

Response to Arguments

Applicant's arguments with respect to Claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649 before April 13, 2005, and (571) 272-6801 after that date.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist before April 13, 2005, whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702 before April 13, 2005, and (571) 272-6812 after that date.

Any response to this action should be mailed to:

> *Commissioner of Patents and Trademarks*
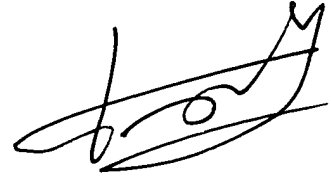>
> *Washington D.C. 20231*

or faxed to:

(703) 872-9306   [Official communications; including After Final communications labeled "Box AF"]

   Hand delivered responses should be brought to Crystal Park 5, 2451
Crystal Drive, Arlington, VA, 7th floor receptionist.

                                          Igor Borissov
                                          Patent Examiner
                                          Art Unit 3629

IB
3/21/2005